Canadian Human Rights Commission

Performance Report

For the period ending March 31, 2011

The Honourable Rob Nicholson, P.C., M.P.
Minister of Justice and Attorney General of Canada

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Message from the Chief Commissioner

The Canadian Human Rights Commission was created by Parliament to ensure that all people in Canada have an equal opportunity to make the lives that they are able and wish to have, free from discrimination.

The Commission is responsible for the administration of the *Canadian Human Rights Act* and for ensuring compliance with the *Employment Equity Act*. Both laws apply to federal government departments and agencies, Crown corporations and federally regulated private sector organizations.

Over the past year, the Commission has focused on raising awareness of the *Canadian Human Rights Act* among federally regulated employers and the public they serve. In doing so, the Commission has been providing organizations with resources and tools to prevent discrimination and address potential complaints when and where they occur.

The Human Rights Knowledge Development and Dissemination Program produced a series of clear language publications to help federally regulated employers and service providers understand their obligations under the Act. Work has also been undertaken to create research tools to improve our understanding of issues related to rights and equality in Canada.

This work will be increasingly important in the coming years, as 2011 marks the full repeal of section 67 of the *Canadian Human Rights Act*. This change means that people affected by the *Indian Act* have the same human rights protection as everyone else in Canada and can now file discrimination complaints against the Government of Canada and First Nations governments.

Through the National Aboriginal Initiative, the Commission worked with First Nations governments to strengthen their capacity to prevent, manage and resolve discrimination complaints in their own communities.

The Discrimination Prevention Program worked with eight public and private organizations to pilot test the Commission's Human Rights Maturity Model. The Model helps federally regulated organizations create and sustain workplace cultures based on equality, dignity and respect. The results of the pilot tests are expected later in 2011.

The Commission has experienced a significant increase in the number of discrimination complaints that it receives. In response, the Human Rights Dispute Resolution Program increased its capacity to deal with complaints by significantly re-engineering the dispute resolution process.

By ensuring that federally regulated organizations comply with the *Employment Equity Act*, the Commission also promotes equality in the workplace. The Commission modernized its employment equity audit program in 2010-11. In doing so, the Commission worked with 82 employers – twice as many as the year before.

All of these accomplishments were made possible thanks to the encouragement of our many partners, the guidance of the Commissioners, and the passion, perseverance and commitment of Commission employees. Through continued cooperation and hard work, the Commission is realizing Parliament's vision of a Canada free from discrimination.

David Langtry
Acting Chief Commissioner

Organizational Overview

Raison d'être

The Canadian Human Rights Commission's founding legislation inspires a vision for Canada in which "all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have," free from discrimination.

The Commission leads the administration of the *Canadian Human Rights Act* (CHRA) and ensures compliance with the *Employment Equity Act* (EEA). The CHRA prohibits discrimination on the grounds of race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability, and conviction for which a pardon has been granted. The EEA promotes equality in the workplace for four designated groups: women, Aboriginal peoples, persons with disabilities, and members of visible minorities.

Both laws apply the principles of equal opportunity and non-discrimination to federal government departments and agencies, Crown corporations, and federally regulated private sector organizations. The provinces and territories have laws similar to the CHRA that address discrimination within their jurisdiction.

Responsibilities

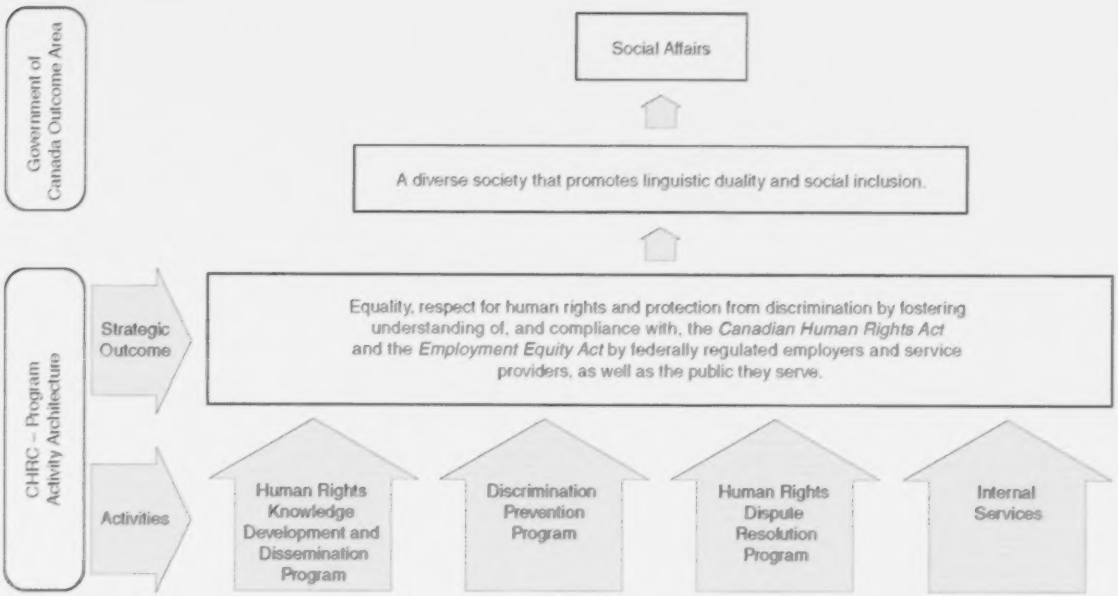
The Commission promotes the core principle of equal opportunity and works to prevent discrimination in Canada. As a result its services include discrimination prevention, dispute resolution, and regulatory, policy and knowledge development.

It works with federally regulated employers and service providers, individuals, unions, and provincial/territorial and international human rights bodies to foster understanding of human rights and promote the development of human rights cultures.

The Commission's mandate includes protecting human rights through effective case and complaint management. At times, this role also involves representing the public interest to advance human rights for all Canadians.

The Commission is responsible for ensuring compliance with the *Employment Equity Act*. This involves auditing federally regulated employers to ensure that they are providing equal opportunities to the four designated groups: women, Aboriginal peoples, persons with disabilities and members of visible minorities.

Strategic Outcome and Program Activity Architecture (PAA)


Government of Canada Outcome Area
Social Affairs
A diverse society that promotes linguistic duality and social inclusion.
CHRC – Program Activity Architecture
Strategic Outcome
Equality, respect for human rights and protection from discrimination by fostering understanding of, and compliance with, the Canadian Human Rights Act and the Employment Equity Act by federally regulated employers and service providers, as well as the public they serve.
Activities
Human Rights Knowledge Development and Dissemination Program
Discrimination Prevention Program
Human Rights Dispute Resolution Program
Internal Services

Status Legend

Throughout this report, a performance status will be assigned to each priority and performance indicator. To ensure consistency and general understanding of the performance status rating, a single status legend was developed and applied by each Program Activity.

Exceeded:	More than 100 percent of the expected level of performance identified in the corresponding RPP was achieved during the fiscal year.
Met All:	100 percent of the expected level of performance.
Mostly Met:	80 to 99 percent of the expected level of performance.
Somewhat Met:	60 to 79 percent of the expected level of performance.
Not Met:	Less than 60 percent of the expected level of performance.

Organizational Priorities

Priority: Increased capacity of First Nations to address human rights issues within their own communities.	**Type**[1]**:** New	**Strategic Outcome:** Equality, respect for human rights and protection from discrimination.

Status: Met All

1) Enhance understanding of collective rights in the application of the CHRA;

- Expanding on research undertaken in 2009-10, the Commission applied a culturally based gender analysis to collective rights and shared the results with external stakeholders at events such as the Indigenous Bar Association's Annual General Assembly and the Commission's November 2010 Discrimination Prevention Forum.
- Operational guidance was developed and formal training was delivered to Commission members to encourage an appreciation for the central role of customary laws and legal traditions in the daily lives of Aboriginal people in anticipation of potential complaints involving First Nations governments. Employee training will begin in 2011-12.

2) Invest in learning programs and events to help First Nations and other Aboriginal organizations prevent discrimination;

- In April 2010, the Commission entered into an agreement with the Treaty Relations Commission of Manitoba and the Manitoba Human Rights Commission to collaborate on raising awareness of human and treaty rights issues facing Aboriginal people in Manitoba. The Commission also collaborated on learning events with the Indigenous Bar Association in October 2010, the Federation of Saskatchewan Indian Nations in January 2011, the Aboriginal Financial Officers Association of Canada in February 2011, and the Council of Yukon First Nations in March 2011.
- In collaboration with the Native Women's Association of Canada, the Commission developed a clear language human rights guide to help people understand the CHRA and the complaint process. Launched in November 2010, the guide has already achieved wide circulation (over 3,500 distributed at the end of March 2011) and is being distributed by national organizations.
- The Commission hosted a Discrimination Prevention Forum in November 2010 and brought together more than 150 representatives from 61 different employer organizations including industry, unions and Aboriginal communities. When asked if they were satisfied with the event and impressed with the speakers, panellists, moderators and organization, 88 percent of forum participants agreed or strongly agreed.
- In collaboration with Algonquin College and other stakeholders, the Commission is working to develop a certificate program in human rights in an Aboriginal context, aimed at building community capacity in the area of human rights.

3) Facilitate the development of internal redress processes in First Nations communities.

- The Commission initiated dialogue with a number of First Nations and Aboriginal organizations to learn traditional approaches to dispute resolution and to promote discussion on the development of community based processes. *A Human Rights Handbook for First Nations* was developed for release in June 2011.
- The Southern First Nations Secretariat (a council of seven First Nations) agreed to pilot a First Nations led project to develop community dispute resolution processes, aimed at helping to resolve human rights concerns within the communities themselves.
- The Commission started the development of a roster of alternative dispute resolution practitioners with experience in an Aboriginal context.

[1] Type is defined as follows: **New**—newly committed to in the reporting year of the DPR or **Ongoing**—committed to at least three fiscal years before the subject year of the report.

Priority: Federally regulated organizations demonstrate progress toward developing a self-sustaining human rights culture.	**Type:** New	**Strategic Outcome:** Equality, respect for human rights and protection from discrimination.

Status: Met All

1) Pilot the Integrated Human Rights Maturity Model (HRMM);

- The Commission began pilot tests with eight private and public sector organizations. The results of the pilot test are expected in fall 2011, with a launch later in 2011.

2) Develop more model policies on key human rights issues for use by federally regulated organizations; and

- The Commission developed two model policies for use by federally regulated organizations: the *Employer policy template – Accommodation in the Workplace* and the *Employer policy template – Anti-Harassment in the Workplace.* These tools were designed to assist employers in meeting their human rights obligations and fostering an environment that is respectful of human rights.

3) Define the characteristics of effective internal redress processes and facilitate implementation.

- The Commission developed the "Guiding Principles for Internal Dispute Resolution Processes in a Human Rights Context". These principles define the characteristics of effective and procedurally fair internal dispute resolution processes, and have been designed to provide guidance to federally regulated organizations in the planning, development and refinement of these processes.

Risk Analysis

The Commission's Corporate Risk Profile for 2010-11 identified a number of factors that could have an impact on the ability to achieve expected results. The following four risks were identified as most likely to occur and mitigation measures were developed to reduce their potential impact on the Commission's work to implement the CHRA and ensure compliance with the EEA.

1) Risk that the Commission's reputation may be damaged by misinformation and misperceptions about its role and mandate, resulting in reduced public confidence.

In 2010-11, the Commission mitigated the effects of misinformation and misperceptions by concentrating efforts on raising awareness of the CHRA and the Commission's mandated role. To do so, the Commission undertook a review of its communications and outreach structure to assess its effectiveness. A 2009 strategic alignment exercise identified measures that the Commission put in place during 2010-11 to bolster its communications capacity by incorporating existing structures into a separate Communications branch. Further, there was the creation of a new director position, reporting directly to the Secretary General, to oversee the development and implementation of the organizational strategic communications plan. This was achieved within existing resources by improving and streamlining the existing structure.

2) Risk that existing capacity and resource levels may not be sufficient for appropriately meeting service demands, resulting in program delivery shortfalls and perceived performance issues.

During the reporting period, the Commission experienced a rapidly increasing volume and complexity of human rights complaints. To mitigate the risk of not meeting service demands within existing resources in the short term, management recognized the need to redistribute resources based on operational requirements and reassigned employees from other responsibility centres to assist principally with the intake of complaints and preliminary legal issues. The reengineering of screening processes maximized efficiency and effectiveness including through early referrals to alternative redress mechanisms. While the complaints processed in 2010-11 met performance targets, the impact of a potential secondary swell in complaints in 2011-12 arising from the repeal of section 67 may challenge the Commission.

The Resolution Services Division is the first point of contact for individuals who believe they have been subject to discrimination. Parties are encouraged to try to settle matters by means of the employer's internal redress mechanism. The Commission has focused its priorities on increasing the capacity of First Nations to address human rights issues within their own communities and developing self-sustaining human rights cultures in all federally regulated organizations with the provision of tools, delivery of training and training materials, and guidance such as the *Guiding Principles for Internal Dispute Resolution Processes in a Human Rights Context*.

3) Risk that the scope of its program activities will limit the potential reach and impact of the Commission.

To better understand and anticipate how issues might affect human rights, the Commission analyzes Canadian social and demographic trends and the complaints it receives. Analysis has identified that discrimination complaints are often systemic in nature. Systemic discrimination refers to situations where people are treated differently and adversely because of an established policy or practice. Proactively recognizing and resolving systemic human rights issues has a positive impact on all Canadians who may have been affected, even unintentionally, by the potential discrimination. The processing of complaints will remain the focus of the Dispute Resolution Program in meeting the requirements of the Act. Under the Human Rights Knowledge Development and Dissemination Program, the Commission will increase the scope of its program activities by addressing the systems and programs that create inequalities. It should be noted that these inequalities are often brought to the attention of the Commission via complaints.

To ensure a sustainable and integrated approach that will minimize the risk of a limited program reach and impact in future years and using fixed program resources, the Commission developed a "Framework to Better Address Systemic Discrimination" in 2010-11. This provides guidance for determining which systemic issues the Commission will take on based on the potential to make a difference. Partnerships with key stakeholders have been established to both better focus and expand the impact of the Commission's work, such as partnering with the Mental Health Commission of Canada to remove barriers at the workplace for Canadians with mental health issues. Progress on mitigating this risk will be measured through performance indicators and monitored in subsequent Departmental Performance Reports.

4) Risk that too many staff positions remain vacant for prolonged periods of time.

For the past three years, the Commission has focused efforts on progressively reducing its turnover rate from 26 percent in 2006-07 to the current rate in 2010-11 of 15 percent, through collective staffing, pre-qualified pools of candidates and anticipatory processes. While many processes were initiated as anticipatory in nature, the intended positions became vacant prior to completion and indeterminate appointments were made. As a further challenge, the Commission's pre-qualified pools were often exhausted prior to appointment through attrition and candidates receiving offers from other departments.

The Commission's human resources experience does not seem to be unique in the federal government and the short-term spike experienced in the turnover rate of 2006 has been addressed. However, long-term staffing challenges will continue as succession and learning plans mature. Developmental opportunities are encouraged to increase staff capacity and knowledge. Since potential turnover rates are considered when developing the Commission's integrated business and human resources plan, the Human Resources Division will continue to maximize opportunities for collective staffing processes. To reduce the perception that positions remain vacant for prolonged periods of time, service standards for staffing processes (internal and external, advertised and non-advertised) were established and communicated to all delegated managers.

Summary of Performance

2010-11 Financial Resources ($ thousands)

Planned Spending	Total Authorities	Actual Spending
22,475	24,224	23,067

2010-11 Human Resources (FTEs)

Planned	Actual	Difference
197	183	14

- The tables on page 9 demonstrate that the Commission's actual program spending varied from our total authorities by less than $0.5 million or 3 percent.
- While 14 fewer human resources (FTEs) were utilized than originally planned, the Commission converted the equivalent salary dollars to fund Operations and Maintenance (O & M) spending in order to engage temporary professional services and provide surge capacity resources while staffing processes were finalized.
- Further details to explain the variance between Main Estimates and Total Authorities are elaborated on page 10 with the use of a Spending Trends chart.

Strategic Outcome: Equality, respect for human rights and protection from discrimination by fostering understanding of, and compliance with, the *Canadian Human Rights Act* and the *Employment Equity Act* by federally regulated employers and service providers, as well as the public they serve.

Performance Indicators	Targets	2010-11 Performance
Percentage of public service employees who indicated they were not a victim of discrimination on the job.	84% by 2011	As a Public Service Employee survey was not conducted in 2010, this performance indicator could not be measured during 2010-11. This Performance Indicator was amended in 2011 and expanded to include measurement criteria beyond the public service. The new indicator will be implemented prior to the next reporting cycle.

($ thousands)

Program Activity	2009-10 Actual Spending	2010-11[2]				Alignment to Government of Canada Outcome
		Main Estimates	Planned Spending	Total Authorities	Actual Spending	
Human Rights Knowledge Development and Dissemination Program	3,442	3,789	3,789	3,515	3,331	A diverse society that promotes linguistic duality and social inclusion.
Discrimination Prevention Program	4,475	4,515	4,515	5,177	4,987	A diverse society that promotes linguistic duality and social inclusion.
Human Rights Dispute Resolution Program	8,555	8,109	8,109	8,775	8,660	A diverse society that promotes linguistic duality and social inclusion.
TOTAL	16,472	16,413	16,413	17,467	16,978	

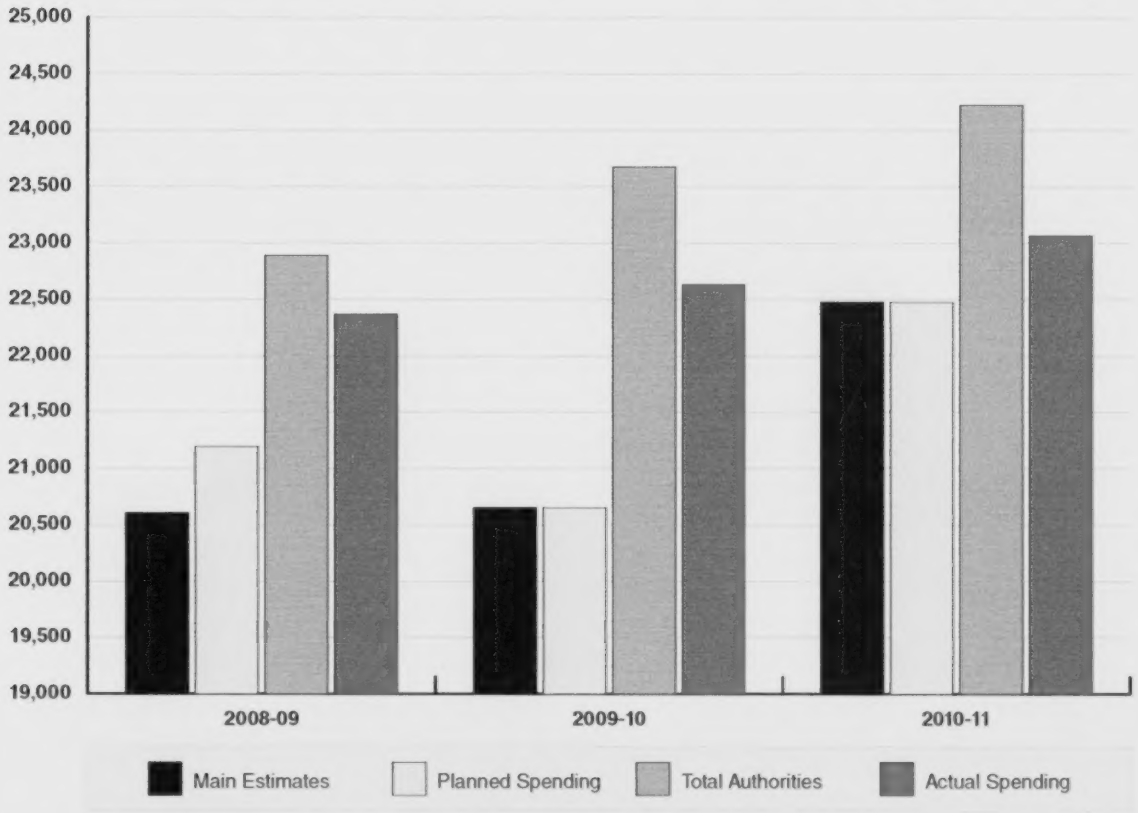
($ thousands)

Program Activity	2009-10 Actual Spending	2010-11			
		Main Estimates	Planned Spending	Total Authorities	Actual Spending
Internal Services	6,157	6,062	6,062	6,757	6,089

[2] Commencing in the 2009-10 Estimates cycle, the resources for Program Activity: Internal Service is displayed separately from other program activities; they are no longer distributed among the remaining program activities, as was the case in previous Main Estimates. This has affected the comparability of spending and FTE information by Program Activity between fiscal years.

Expenditure Profile

Spending Trends ($ thousands)



The increase of $2.3 million in 2008-09 and $3.0 million in 2009-10 between Main Estimates and Total Authorities is mainly due to temporary funding. One reason was a carry forward of the operating budget of $0.5 million in 2008-09 and of $0.4 millions in 2009-10. A reimbursement of eligible pay list expenditures for severance pay and parental benefits of $0.5 million for each of the two first fiscal years accounts for another variance. The salary increases resulting from the collective bargaining agreements also increased the amounts by $1.3 million in 2008-09 and $0.9 million in 2009-10. Finally, the repeal of section 67 of the CHRA generated an increase of $0.7 million in 2009-10.

For 2010-11, the increase of $1.7 million between Main Estimates and Total Authorities was mainly due to temporary funding received because of a carry forward of the operating budget of $0.8 million, the reimbursement of $0.4 million for eligible pay list expenditures related to severance pay and parental benefits and a $0.2 million salary increase resulting from the signed collective bargaining agreements.

The increase of $1.8 million between 2009-10 and 2010-11 Main Estimates was mainly due to funding of $1 million for the repeal of section 67 of the CHRA and $0.8 million to cover salary increases generated by the signed collective bargaining agreements.

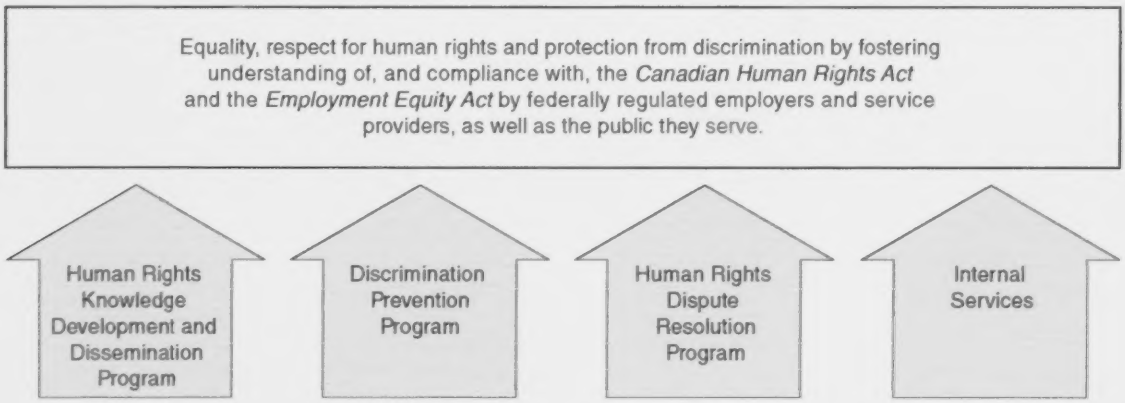
Estimates by Vote

For information on our organizational votes and/or statutory expenditures, please see the *2010-11 Public Accounts of Canada (Volume II)* publication. An electronic version of the Public Accounts is available at **http://www.tpsgc-pwgsc.gc.ca/recgen/txt/72-eng.html**.

Analysis of Program Activities by Strategic Outcome

Strategic Outcome

The Commission works toward equality, respect for human rights and protection from discrimination by fostering understanding of, and compliance with, the CHRA and the EEA by federally regulated employers and service providers, as well as the public they serve. All Canadians benefit when organizations are sensitive to human rights, consider differing needs, and respond to misunderstandings before they develop into discrimination complaints.


Equality, respect for human rights and protection from discrimination by fostering understanding of, and compliance with, the *Canadian Human Rights Act* and the *Employment Equity Act* by federally regulated employers and service providers, as well as the public they serve.
Human Rights Knowledge Development and Dissemination Program
Discrimination Prevention Program
Human Rights Dispute Resolution Program
Internal Services

Program Activity: Human Rights Knowledge Development and Dissemination Program

Strategic Outcome
Equality, respect for human rights and protection from discrimination by fostering understanding of, and compliance with, the *Canadian Human Rights Act* and the *Employment Equity Act* by federally regulated employers and service providers, as well as the public they serve.
Activities
Human Rights Knowledge Development and Dissemination Program

Program Activity Description

This program helps foster both an understanding of and compliance with the CHRA and the EEA. Knowledge development also ensures that programs, interventions and decisions are grounded in evidence and best practices. Knowledge products include research, policies, regulatory instruments and special reports. Information and advice are provided to the Commission itself, Parliament, federal departments and agencies, Crown corporations, federally regulated private sector organizations, and the public. Partnerships with other human rights commissions as well as with governmental, non-governmental, research and international organizations are formed and maintained to leverage knowledge development and dissemination activities in areas of common interest.

2010-11 Financial Resources ($ thousands)

Planned Spending	Total Authorities	Actual Spending
3,789	3,515	3,331

2010-11 Human Resources (FTEs)

Planned	Actual	Difference
25	22	3

Expected Results	Performance Indicators	Targets	Performance Status
Awareness and understanding of the Acts are increased among federally regulated employers and service providers, as well as the public whom they serve.	Number of new knowledge products and activities.	Eight (8) per year.	**Exceeded**
	Percentage change in the number of visits to the website and subscribers for information updates.	5 percent increase by March 2011.	**Exceeded**
	Percentage of human resource managers in federal government departments who are aware of the employer requirements under the Acts.	Baseline established by March 2010.	After consultation with central agencies, this survey was not feasible.*

http://www.chrc-ccdp.ca/knowledge_connaissances/default-en.asp

* *This performance indicator was replaced in 2011 and expanded to include measurement criteria beyond the public service.*

Performance Summary and Analysis of Program Activity

The Commission creates knowledge and undertakes activities with the intention that recipients will understand the main messages of the Acts and of human rights issues in Canada. With key stakeholder involvement in developing products, broad distribution and easy access online, Canadians benefit from the sharing of high-quality and easily accessible knowledge. The increase of over 15 percent in website visits indicates a continued interest in the work of the Commission. The Commission also produced 12 new knowledge products and held four significant knowledge sharing activities.[3]

The Commission also contributed to the formal recognition of the role and capacities of national human rights institutions in international policy frameworks with regard to promotion, prevention and redress for human rights impacted by business activities.

Further, the Commission shared its expertise on issues that affect Canadians by appearing before Parliamentary Committees. In 2010-11, the Commission appeared before four House of Commons and Senate Committee hearings related to: the rights of indigenous people; mandatory retirement; and the prevention of unfair treatment in the application of security measures.

[3] The 2010-11 knowledge products and activities are listed in Section IV.

NAI and section 67

In 2010-11, the Commission continued its work to raise awareness of the CHRA among Aboriginal peoples, and began initiatives to strengthen the capacity of First Nations to prevent, manage, and resolve human rights issues. *Your Guide to Understanding the CHRA* provided clear language on human rights protections and the complaint process to First Nations and other Aboriginal people.

In addition, the Commission contributed to increasing the capacity of First Nations to address human rights issues through a project to develop dispute resolution processes at the community level. Guiding principles for the establishment of community based dispute resolution processes were developed and discussed with First Nations and other Aboriginal organizations. The publication, *Human Rights Handbook for First Nations,* will be officially released in June 2011.

The Commission provided comments before the United Nations Human Rights Council on the collective rights of Aboriginal people in Canada, and participated with other National Human Rights Institutions (NHRIs) in sharing best practices on the role that NHRIs can play in advancing the rights of Indigenous peoples domestically and internationally.

Systemic Discrimination

Systemic discrimination is the creation, perpetuation or reinforcement of persistent patterns of inequality among disadvantaged groups. It is usually the result of seemingly neutral legislation, policies, procedures, practices or organizational structures. The effect is to create barriers to full participation in society. These include barriers to employment, benefits, services, and the physical environment. Resolving systemic human rights issues will have a positive impact on a broad range of Canadians as well as on the systems and programs that create inequality. To assist the identification of and ensure an integrated approach, the Commission has developed a Framework to Better Address Systemic Discrimination. This framework has enabled the Commission to establish priorities for the systemic issues identified, one of which is persons with disabilities.

The Commission has determined that systemic barriers exist that prevent Canadians with disabilities from participating fully in society. After extensive consultations with key stakeholders, a Disability Action Plan was developed. The Commission's role will include, for example, partnering with the Mental Health Commission of Canada to remove barriers in the workplace for Canadians with mental health issues; supporting research examining the evolution of jurisprudence on accommodating people with disabilities; identifying gaps that still exist; and, intervening in precedent setting court cases to advance the rights of Canadians with disabilities.

Security and Human Rights

There is no greater responsibility for a government than the protection and safety of its citizens. The challenge is to develop measures that safeguard national security while protecting human rights and preventing unfair treatment. The Commission provided human rights knowledge and guidance to organizations responsible for national security. Specifically, the Commission produced a guide, *Developing Security Measures that Respect Human Rights,* to address impacts on human rights early in the process of developing security measures.

Equality Rights Framework

Statistical agencies collect a wealth of socio-economic data, but the lack of consolidated data on equality rights makes it difficult for Canadian institutions such as human rights commissions, provincial and territorial governments, non-governmental organisations and community organizations to make evidence-based decisions about policy and program interventions. To fill that gap, the Commission published the *Framework for Documenting Equality Rights*. The Framework is a tool for developing a consolidated portrait of equality in Canada. The Commission will use the Framework to support research and program activities as well as to produce reports.

Lessons Learned

There are many human rights issues that deserve to be the subject of Commission-initiated research, policy development or special reports. The Commission is unable to address all of these because of limited resources. As a result, the Commission must focus its knowledge development activities where they can have the greatest possible impact. It has been beneficial to pursue partnerships and other collaborative opportunities with a view to leveraging resources and engaging stakeholders in advancing human rights knowledge development and dissemination.

Internal training, tools and guidance were developed to ready CHRC staff and decision makers for the realities of considering First Nations legal traditions and customary laws in dealing with collective rights issues in the context of human rights complaints. While the work undertaken has been essential, the Commission has learned that further dialogue is necessary to develop a shared understanding of how First Nations legal traditions and customary laws will be recognized in the context of human rights protection.

Program Activity: Discrimination Prevention Program

Strategic Outcome
Equality, respect for human rights and protection from discrimination by fostering understanding of, and compliance with, the *Canadian Human Rights Act* and the *Employment Equity Act* by federally regulated employers and service providers, as well as the public they serve.
Activities
Discrimination Prevention Program

Program Activity Description

This program helps foster and sustain a human rights culture in federally regulated organizations by promoting continuous improvement of an organization's human rights competencies. Prevention initiatives, employment equity audits, learning programs and events are among the program's tools to promote discrimination prevention and achieve employment equity objectives. Stakeholder engagement involves federal departments and agencies, Crown corporations, private sector organizations, provincial and territorial government bodies, international agencies, unions and other non-governmental organizations.

2010-11 Financial Resources ($ thousands)

Planned Spending	Total Authorities	Actual Spending
4,515	5,177	4,987

2010-11 Human Resources (FTEs)

Planned	Actual	Difference
42	39	3

Expected Results	Performance Indicators	Targets	Performance Status
Federally regulated employers and service providers are committed to preventing discrimination and to resolving disputes internally.	Number of prevention initiatives completed.	50 a year.	**Exceeded**
	Percentage of Memoranda of Understanding signatories surveyed bi-annually who demonstrate commitment.	60 percent.	**Exceeded**
	Federally regulated organizations willing to pilot test the CHRC Integrated Human Rights Maturity Model.	Five (5)	**Exceeded**
	Progress made by federally regulated organizations on the maturity model continuum.	Increase of one level of human rights maturity by a pilot site after one year of pilot testing.	Unable to measure as one year of pilot testing is not yet complete.
The employment equity audit model is contributing to audited organizations meeting their employment equity plan goals.	Number of audits completed.	40 a year.	**Exceeded**
	Percentage of audited organizations that will have met their employment equity plan goals within six (6) years of the first employment equity audit.	50 percent by March 2011.	Updated*
	Decrease in total representation gap in designated employment equity groups.	Establish baseline by March 2011.	**Met All**

http://www.chrc-ccdp.ca/preventing_discrimination/default-en.asp

* *This indicator has been updated to be a reduction in the gap between workforce representation and the workforce availability in each designated EE group.*

Performance Summary and Analysis of Program Activity

The Discrimination Prevention Program helped federally regulated employers implement workforce practices that continuously improve human rights competency. The Program integrated multiple processes to:

- encourage recruitment, retention and representation that reflects Canada's diversity;
- foster efficient, collaborative and innovative workplaces; and
- empower and support employees and managers in making a difference in their workplaces.

In 2010-11, the Commission completed more than 50 prevention initiatives. These activities ranged from general consultations, presentation sessions, training workshops, and training-for-trainers sessions with some organizations, to establishing collaborative initiatives with MOU signatories.[4] In addition, the Commission hosted a successful Discrimination Prevention Forum in November 2010 in Winnipeg. This forum brought together more than 150 representatives from employer organizations, industry associations, unions and Aboriginal communities. Extremely positive evaluation results were received.

[4] The complete list of initiatives is available under Section IV.

The Commission began pilot tests on the Human Rights Maturity Model (HRMM) with eight private and public sector organizations. The HRMM leads employers through a step-by-step process building on five key elements to integrate human rights into all aspects of an organization and create a self-sustaining human rights culture. The results of the pilot test are expected later in 2011, with a planned public launch of the HRMM in November 2011. Work has progressed rapidly with an online HRMM application to further assist employers in preventing discrimination.

The Commission also promotes equality in the workplace for the four designated groups identified in the *Employment Equity Act*: women, Aboriginal peoples, persons with disabilities and members of visible minorities. The Commission is responsible for ensuring that federally regulated organizations comply with the Act. Federally regulated organizations include around 550 employers in private sector fields such as banking, telecommunications and transportation, as well as about 100 public sector departments and agencies.

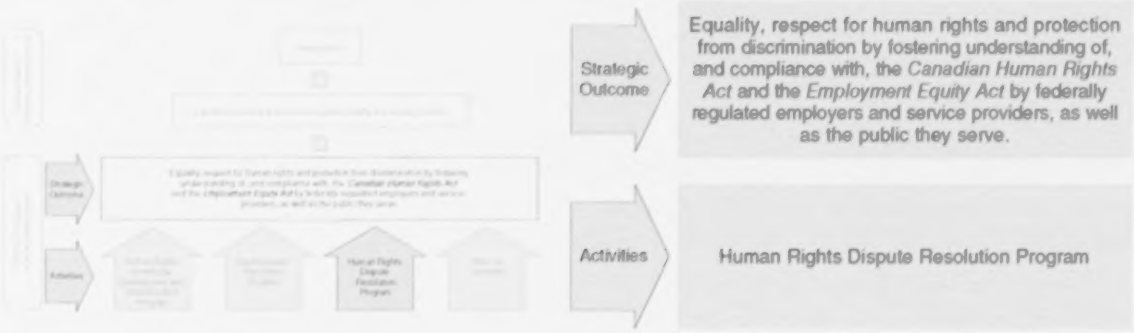
The Commission modernized its employment equity (EE) audit program to focus efforts on those employers with lower overall EE results than their counterparts within their own sector. This risk-based approach enabled the Commission to work with 82 employers in 2010-11, doubling the average of 40 employers per year—without additional resources. The audit reports have become an effective communication tool for the promotion of the Commission's policies and priorities. Audited employers were encouraged to further enhance their human rights capacity by piloting the HRMM initiative: three agreed to participate in the pilot phase.

To directly assess the EE audit program's impact on the fair representation of designated groups in the federally regulated workforce, the Commission decided to replace one of the current performance indicators. Instead of evaluating the progress of individual employer EE goals, the Commission will focus on reducing the percentage gap between the overall availability and the actual representation of designated groups in the federally regulated workforce. To do so, a baseline was established to identify the current gap and to track changes over the short and long terms.

Lessons Learned

By combining the principles of employment equity with the Human Rights Maturity Model (HRMM), the Commission is working with employers and service providers to maximize the tools at their disposal to prevent discrimination. Promotional work on the HRMM generated considerable demand for additional prevention training and tools. The Commission was able to respond to this demand due to the changes implemented through the Strategic Alignment Initiative (started in 2009), which anticipated this surge and therefore concentrated resources in prevention services. While many organizations seemed to welcome the new approach and readily considered implementation, others appeared more cautious in accepting the results-based methodology of the HRMM. The Commission needed to dedicate more energy to overcome the challenges of promoting and marketing a new concept to stakeholders who more typically interacted with the Commission through complaints or audits.

Program Activity: Human Rights Dispute Resolution Program


Strategic Outcome
Equality, respect for human rights and protection from discrimination by fostering understanding of, and compliance with, the Canadian Human Rights Act and the Employment Equity Act by federally regulated employers and service providers, as well as the public they serve.
Activities
Human Rights Dispute Resolution Program

Program Activity Description

This program addresses discrimination by dealing with individual and systemic complaints and issues brought by individuals or groups of individuals against federally regulated employers and service providers. The Commission exercises its discretion in choosing the most appropriate dispute resolution method, including investigation, mediation and conciliation. The Commission also serves as a screening body in determining whether further inquiry is warranted, participates in all pre-tribunal mediations and represents the public at the Canadian Human Rights Tribunal.

2010-11 Financial Resources ($ thousands)

Planned Spending	Total Authorities	Actual Spending
8,109	8,775	8,660

2010-11 Human Resources (FTEs)

Planned	Actual	Difference
74	70	4

Expected Results	Performance Indicators	Targets	Performance Status
Parties to disputes are satisfied with the dispute resolution process.	When surveyed, parties to disputes report they are satisfied that the dispute resolution process was fair, user-friendly and/or flexible.	Baseline to be established.	**Met All**
Commission involvement in human rights disputes facilitates the resolution of disputes in a non-adversarial manner at the earliest stage possible, ensures that the public interest is addressed and increases understanding of the CHRA.	By 2011, the percentage of disputes settled at the Commission out of the total of those dealt with.	40 percent by 2011, or a benchmark established after one year of collecting data.	**Somewhat met**
	The ratio between the number of new disputes opened and the number of disputes dealt with along the full dispute resolution continuum.	A 1:1 balance.	**Met All**

http://www.chrc-ccdp.ca/disputeresolution_reglementdifferends/default-en.asp

Performance Summary and Analysis of Program Activity

During the reporting period, the Dispute Resolution Branch made progress towards its expected results. In particular, a 1:1 ratio was maintained between the number of new disputes and the number of disputes dealt with despite an increase in complaints for a third consecutive year. This was accomplished by completing 40 percent more complaints than the previous year without additional resources. While the level of resources allocated to deal with the additional workload remained constant, 29 percent of disputes were settled in 2010-11 and a settlement benchmark was established.[5]

To establish a target to determine satisfaction with the dispute resolution process, the Commission undertook an initial survey of both complainants and respondents who participated in a mediation process. This survey reported an average 65 percent level of satisfaction with the agreement achieved and a 78 percent level of confidence in the agreement. These levels have been adopted as the survey baseline.

[5] Additional information regarding complaint volumes is available in Section IV.

The Commission represented the public interest in a number of cases in 2010-11 to clarify and further define a contemporary understanding of human rights law in Canada. The Commission made submissions to the Supreme Court of Canada that "expenses arising out of the discriminatory practice" should include legal expenses of complainants who had proven discrimination.[6] The Commission also argued before the Federal Court that the prohibited ground family status in the CHRA ought to continue to be broadly interpreted in cases of discrimination.[7]

The Commission faces an ongoing challenge with regard to a Canadian Human Rights Tribunal decision narrowing the scope of the federal government's obligations related to the funding of services to First Nations. This particular case originated with a complaint that federal funding for on-reserve child welfare services is inequitable and discriminatory. The Commission filed an application to the Federal Court for judicial review, effectively appealing the Tribunal's decision.[8]

Lessons Learned

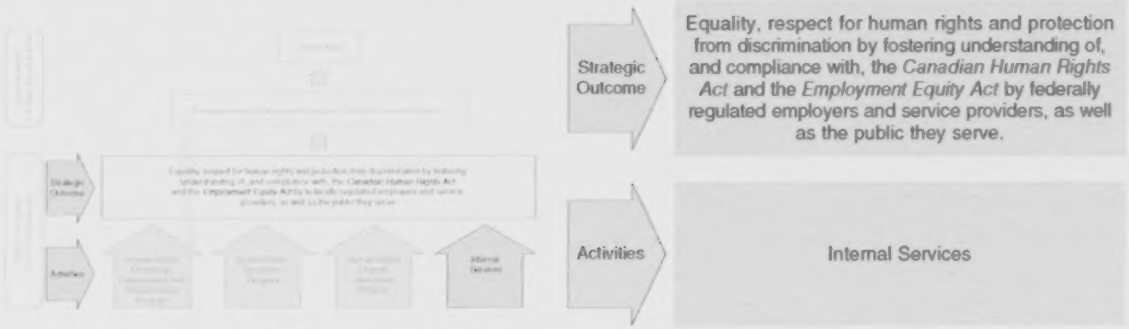
Coping with a steady increase in workloads with existing resources has demonstrated the importance of a skilled and knowledgeable staff that can take on different responsibilities such as the intake of new complaints. Additional streamlining measures were identified and several processes re-engineered with the participation of these same staff members to maximize production without interruption to the Commission's overall performance. While the complaints processed in 2010-11 met performance targets, the impact of a potential secondary swell in complaints in 2011-12 due to the repeal of section 67 in June 2011, may challenge the Commission.

[6] *Canadian Human Rights Commission and Donna Mowat v. Attorney General of Canada, (SCC 33507); The Attorney General of Canada v. Donna Mowat and Canadian Human Rights Commission, 2009* (FCA 309); *Canada (Attorney General of Canada) v. Mowat, 2008* (FC 118); *Donna Mowat v. Canadian Armed Forces, 2006* (CHRT 49).

[7] *Attorney General of Canada v. Fiona Ann Johnstone and Canadian Human Rights Commission* (T-1418-10); *Fiona Johnstone v. Canada Border Services Agency, 2010* (CHRT 20); *Canadian National Railway v. Denise Seeley and Canadian Human Rights Commission* (T-1775-10); *Denise Seeley v. Canadian National Railway, 2010* (CHRT 23).

[8] *Canadian Human Rights Commission v. Attorney General of Canada, Assembly of First Nations et al.* (T-578-11); *Assembly of First Nations v. Attorney General of Canada al.* (T-638-11); *First Nations Child and Family Caring Society v. Attorney General of Canada et al.* (T-630-11); *First Nations Child and Family Caring Society et al v. Attorney General of Canada, 2011* (CHRT 4).

Program Activity: Internal Services


Strategic Outcome
Equality, respect for human rights and protection from discrimination by fostering understanding of, and compliance with, the Canadian Human Rights Act and the Employment Equity Act by federally regulated employers and service providers, as well as the public they serve.
Activities
Internal Services

Program Activity Description

Internal Services are groups of related activities and resources that are administered to support the needs of programs and other corporate obligations of an organization. These groups are: Management and Oversight Services; Communications Services; Corporate Legal Services; Human Resources Management Services; Financial Management Services; Information Management Services; Information Technology Services; Real Property Services; Materiel Services; Acquisition Services; and Travel and Other Administrative Services. Internal Services include only those activities and resources that apply across the organization and not to those provided specifically to a program.

2010-11 Financial Resources ($ thousands)

Planned Spending	Total Authorities	Actual Spending
6,062	6,757	6,089

2010-11 Human Resources (FTEs)

Planned	Actual	Difference
56	52	4

Performance Summary and Analysis of Program Activity

The Commission is committed to achieving excellence in its management of corporate services. It considers the Management Accountability Framework (MAF) and service assessment exercises valuable tools to monitor its progress. In 2009, the Treasury Board Secretariat (TBS) highlighted the significant improvements that the Commission had made since its first MAF assessment in 2006. During 2010-11, the Commission continued its practice of monitoring internal service performance with an external review of Internal Controls and Financial Reporting to ensure compliance with auditing standards. Further, the Financial Statements under Section III of this document were provided to the Office of the Comptroller General for examination and comment prior to publication.

Progress was also achieved on strengthening the Commission's internal security practices and emergency and business continuity management. In fiscal year 2010-11, Internal Services focused on putting the following security services into practice:

(i) implemented an updated business continuity and an emergency plan;

(ii) addressed all recommendations from a threat and risk assessment to improve the Commission's physical security posture;

(iii) complied with the new Directive on Identity Management and the implementation of additional security screening measures; and

(iv) fully implemented the Government Security Policy with respect to the use of the Security Requirements Check List when contracting for goods and services.

Lessons Learned

To reduce the internal perception of delays during various staffing and contractual processes, service standards were established in cooperation with the Commission's Committee of Senior Officials and communicated to all delegated managers. These efforts were expanded to all business lines within Internal Services of the Corporate Management Branch and initial performance monitoring and reporting will begin in 2011-12.

SUPPLEMENTARY INFORMATION – FINANCE

Financial Highlights

The financial highlights presented within this performance report are intended to serve as a general overview of the Commission's financial position and operations. The Commission's financial statements can be found at: **http://www.chrc-ccdp.gc.ca/publications/dpr_rsr/fs_1011_ef-eng.aspx**.

Condensed Statement of Financial Position

as at March 31 ($ thousands)

	% change	2011	2010 Restated*
ASSETS			
Financial Assets	-20	1,814	2,255
Non-Financial Assets	-11	1,077	1,210
TOTAL ASSETS	**-17**	**2,891**	**3,465**
LIABILITIES	-7	6,208	6,683
EQUITY OF CANADA	3	(3,317)	(3,218)
TOTAL LIABILITIES AND EQUITY OF CANADA	**-17**	**2,891**	**3,465**

* *The 2009-10 Financial Statement has been restated due to the adoption of the revised Treasury Board Accounting Standard TBAS 1.2: Departmental and Agency Financial Statements.*

Total assets were $2.9 million at the end of 2010-11, a decrease of $0.6 million (17 percent) over the previous year's total assets of $3.5 million. The amount Due from the Consolidated Revenue Fund ($1.6 million) and Tangible Capital Assets ($1.1 million) comprised 93 percent of total assets.

Total liabilities were $6.2 million at the end of 2010-11, a decrease of $0.5 million (7 percent) over the previous year's total liabilities of $6.7 million. These liabilities represent provision for employee severance benefits ($3.7 million), accounts payable ($1.7 million) and provision for vacation pay and compensatory leave ($0.8 million).

Condensed Statement of Operations

For the year ended March 31 ($ thousands)

	% change	2011	2010*
EXPENSES			
Total Expenses	3	26,684	26,004
NET COST OF OPERATIONS	**3**	**26,684**	**26,004**

** Comparatives figures have been reclassified to conform to the current year's presentation.*

Total expenses for the Commission were $26.7 million in 2010-11. The majority of the expenses, $10.3 million or 39 percent, were spent in the Human Rights Dispute Resolution Program; while the remaining expenses balance were spent in the Discrimination Prevention Program ($5.6 million or 21 percent), in the Human Rights Knowledge Development and Dissemination Program ($3.7 million or 14 percent) and in the Internal services ($7.1 million or 26 percent).

Financial Highlights Charts/Graphs

- The following charts demonstrates the total expenses for the Commission by Program Activity as described above, including the Commission's priorities for 2010-11:
  - Priority 1 to increase the capacity of First Nations to address human rights issues with their own communities; and
  - Priority 2, for federally regulated organizations to demonstrate progress toward developing a self-sustaining human rights culture.
- Generally, organizations allocate 80 percent of resources to on-going business and 20 percent to annual priorities. The Commission allocated 90 percent of its resources to program activities and was able to allocate only 10 percent to its Priorities.
- Chart A demonstrates total expenses for the Commission by Program Activity including the Commission's priorities and Chart B by FTE.

Chart A

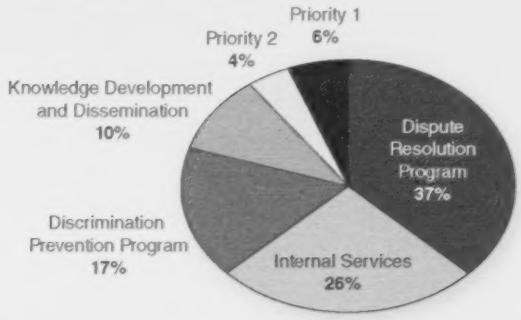
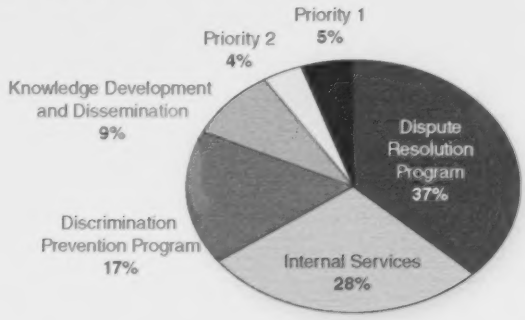


Chart B



Financial Statements

The Commission's Financial Statements for the reporting period can be viewed on the Commission's website at: **http://www.chrc-ccdp.gc.ca/publications/dpr_rsr/fs_1011_ef-eng.asp**.

List of Supplementary Information Tables

All electronic supplementary information tables found in the 2010-11 Departmental Performance Report can be found on the Treasury Board of Canada Secretariat website at **http://www.tbs-sct.gc.ca/dpr-rmr/2010-2011/index-eng.asp**.

1. User Fees Reporting
2. Green Procurement
3. Internal Audits and Evaluations

Other Items of Interest

Contact Information

Canadian Human Rights Commission
344 Slater Street, 8th Floor
Ottawa, Ontario
Canada K1A 1E1

Telephone: 613-995-1151
Toll Free: 1-888-214-1090
TTY: 1-888-643-3304
Fax: 613-996-9661

Knowledge Products and Activities

The Commission produced 12 new knowledge products and held four significant knowledge sharing activities.

Knowledge Products (www.chrc-ccdp.gc.ca/publications/default-eng.aspx)

1. Your Guide to Understanding the *Canadian Human Rights Act*
2. Human Rights Handbook for First Nations
3. Guiding Principles for Community-Based Conflict Resolution Processes
4. Research Paper: Balancing Collective and Individual Rights and the Principle of Gender Equality
5. Framework for Documenting Equality Rights
6. Research Paper: Identity Certification and the Protection of Human Rights
7. Research Paper: A Profile of Individual Disability Complaints (2002-06)
8. Developing Security Measures that Respect Human Rights: A Guide for Canadian Organizations with Responsibilities for Human Rights
9. The Canadian Human Rights Commission's Framework for Better Addressing Systemic Issues
10. Pregnancy and Human Rights in the Workplace
11. Employer Policy Template – Anti-harassment in the Workplace
12. Employer Policy Template – Accommodation in the Workplace

Significant Knowledge Sharing Events

1. 2010 Discrimination Prevention Forum
2. Meeting of Women's NGOs
3. Elders' Gathering on Human Rights and Collective Rights
4. An Evening with Irshad Manji – the Impact of Individual Rights on Social Integration and Canadian Society

Prevention Initiatives

The Prevention Initiatives and Liaison Division of the Discrimination Prevention Branch has completed diverse initiatives in the 2010-11, including:

- On-going consultations on various human rights issues with Memorandum of Understanding (MOU) signatories and other employers involved the provision of advice on processes and approaches, and the sharing of tools and best practices.
- Specific consultation requests included a range of topics such as accommodation of environmental sensitivities, return-to-work challenges, inter-generational obligations, shift work & family related needs, suitable alternate redress mechanisms, racism in the workplace, bullying, and *Bona Fide* Occupational Requirements (BFOR).
- Educational opportunities focused on sharing knowledge through presentations, workshops and training-for-trainers (T4T). Presentations and workshops were tailored to meet employers' specific organizational interests such as duty-to-accommodate, mental health issues, return-to-work, and religion in the workplace. T4Ts on duty-to-accommodate and/or anti-harassment were offered primarily to Aboriginal community groups.
- Prevention related policy reviews were undertaken at employer request or as a result of complaint settlements with MOU signatories.

The following charts summarize the initiatives described above:

Key Subject Area Initiative	#	%
MOU Signatory requirements	20	38
Accommodation – Return to work – BFOR	10	19
General Consultations	6	12
Maturity Model	6	12
Diversity	4	7
Anti-Harassment	2	4
Disability	2	4
Other	2	4
TOTAL	**52**	**100**

Key Objective of Initiative	#	%
Self Sustaining Human Rights Culture	29	56
Inclusiveness of Human Rights Policies & Practices	12	23
Complaint Reduction	7	13
Manager Rights & Responsibilities	2	4
Aboriginal Capacity Building	2	4
TOTAL	**52**	**100**

Complaints Volume

The Commission screens discrimination complaints from anyone who works for, or receives services from, the federal government or federally regulated organizations such as banks, transportation and telecommunications companies. In 2010, the Commission:

- received 1,435 potential complaints;
- accepted 853 complaints;
- referred 166 complaints to alternative redress;
- approved 177 settlements;
- dismissed 139 complaints; and
- referred 191 complaints to the Canadian Human Rights Tribunal for further examination.